

DETAILED ACTION

Election/Restrictions

Claims 19-26, 29 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09 March 2010.

Response to Arguments

Upon review and further search of the Applicant's response filed 09 March 2010, the Examiner realized some subject matter represented in the elected first group, claims 13-15, 17, 18, 27 and 28 in the Restriction of the Final Office Action filed 09 December 2009 is not supported by the Specification. Specifically, claim 13 is interpreted to be centered on the concept " wherein said first electronically operated device operates to obtain recognized voice information from said voice to be recognized" which is supported by the specification even though the claim language is not clear as to the device or a "second device" performs the speech recognition and conversion to "recognized voice information". The Specification was determined not to include "said first electronically operated device. . . *creating a synthesized voice* that request information." or "wherein said first electronically operated device compares said recognized voice information against said stored contact information, . . . and *controls*

Art Unit: 2618

automatically placing a call based on the stored contact information obtained from the recognized voice information".

Consequently, the Examiner provides a Final Office Action with this opinion in the USC 112 rejection to follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13-15, 17, 18, 27 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With regard to independent claim 13, the Disclosure does not support two claim elements comprising; "said first electronically operated device sensing a first control, and responsive to sensing said first control, *creating a synthesized voice* that requests information" and " wherein said first electronically operated device compares said recognized voice information against said stored contact information . . . and controls automatically placing a call based on the stored contact information obtained from the

Art Unit: 2618

recognized voice information". Paragraph 0034 of the Disclosure discloses it is the networked "second device" or "computer", not the "electronically operated device" that (determines and) compares said recognized voice information against the stored contact information and controls the call based on the stored contact list.

Specification

Claim 27 is objected to since it first introduces a "computer", then "said second computer" when a "second device" from the claim language of claim 13 is expected to clearly represent the networked server or similar. Appropriate correction is required.

Claim 28 is objected to since, although it represents the essential claim element, does not reference the voice to be recognized over said network is *from the second device* as established in independent claim 13.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2618

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLANE J. JACKSON whose telephone number is (571)272-7890. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/683,600
Art Unit: 2618

Page 6

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